

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**PATENT APPLICATION**

**In re Application of:** Luis Valente  
**Serial No. :** 09/330,274

**Docket No.:** LIBE0013 (APP28US)  
**Art Unit:** 2134

**Filed:** June 11, 1999

**Examiner:** Paul E. Callahan

**Title:** HIERARCHICAL OPEN SECURITY INFORMATION DELEGATION AND  
ACQUISITION

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR RECONSIDERATION**

Applicant respectfully requests reconsideration of the Office's denial of Applicant's Petition to Revive the above-identified application.

The Office in its August 26, 2005 decision dismissing Applicant's Petition stated that Applicant's Petition did not satisfy requirement (1), namely, "the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof."

Applicant is submitting herewith a continuation of the above-identified application. Applicant respectfully submits that such continuation application satisfies requirement (1) above. Therefore, Applicant requests that the Office vacate its dismissal of Applicant's Petition and grant the Petition. When the above-identified application is revived, please file the continuation application.

The Commissioner is authorized to charge any fees due in connection with this request for consideration to counsel's Deposit Account No. 20-0782/TWV/APP28US. All fees due in connection with the filing of the continuation application should be charged to counsel's Deposit Account No. 20-0782/TWV/APP28USC1 (A fee transmittal is included with Applicant's continuation application).

Respectfully submitted,



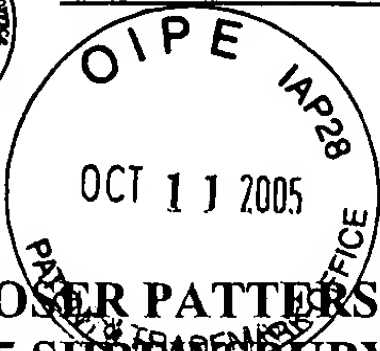
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Attorneys for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

cc/APPROPOS  
Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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595 SHREWSBURY AVE, STE 100  
FIRST FLOOR  
SHREWSBURY, NJ 07702

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AUG 26 2005

**OFFICE OF PETITIONS**

In re Application of  
Luis Valente

Application No. 09/330,274

Filed: June 11, 1999

Attorney Docket No. LIEB0013

**RECEIVED**  
AUG 29 2005

Moser, Patterson & Sheridan :

New Jersey :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 29, 2002, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 30, 2002. A Notice of Abandonment was mailed on December 16, 2003.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and

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AUG 30 2005

By SKM

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)).

The instant petition does not satisfy requirement (1) above.

The amendment filed on September 15, 2003 has been reviewed by examiner Paul Callahan. He determined that said amendment "canceling all claims drawn to the elected invention (election by original presentation) and presenting only claims drawn to a non-elected invention, is non-responsive (MPEP 821.03). The remaining claims are not readable on the elected invention...." Therefore, since the amendment does not constitute a proper reply under 37 CFR §1.137(b)(1) and this petition must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (703) 872-9306  
                                    ATTN: Office of Petitions

Pursuant to petitioner's authorization, Deposit Account No. 20-0782 was charged \$1,500.00 for the petition to revive an unintentionally abandoned application.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

  
Wan Laymon

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/330,274	06/11/1999	LUIS VALENTE	LIBE0013

26291  
MOSER, PATTERSON & SHERIDAN L.L.P.  
595 SHREWSBURY AVE  
FIRST FLOOR  
SHREWSBURY, NJ 07702

CONFIRMATION NO. 9225

\*OC000000010948959\*

PARENT

Date Mailed: 09/30/2003

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2003.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

EFREM WARREN  
2100 (703).305-2943

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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicant(s): Valente  
Case: LIBE/APP2BUS  
Serial No.: 09/330,274 Filed: 6/11/99  
Examiner: P. Callahan Group Art Unit: 2134  
Title: HIERARCHICAL OPEN SECURITY INFORMATION  
DELEGATION AND ACQUISITION

POWER OF ATTORNEY/  
CHANGE OF CORRESPONDENCE ADDRESS

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

As Assignee of record (assignment inventor to Network Computers, Inc. recorded on October 12, 1999 at Reel/Frame 010298/0719; change of name of Network Computers, Inc. to Liberate Technologies recorded on October 12, 1999 at Reel/Frame 010298/0549) of the entire interest of the above-identified patent application, all powers of attorney previously given are hereby revoked and the following attorneys and agents are hereby appointed to prosecute and transact all business in the United States Patent & Trademark Office connected therewith.

Attorney Name(s): Attorneys and/or Agents of CUSTOMER #26,291

Please send all correspondence to:

CUSTOMER #26,291  
MOSER, PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue  
Suite 100  
Shrewsbury, New Jersey 07702  
Attention: Eamon J. Wall

Telephone calls should be made to EAMON J. WALL at:

Received from <732 530 9808> at 9/15/03 3:51:19 PM [Eastern Daylight Time]

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09/15/03 14:57 FAX 732 530 9808

MOSER PATTERSON SHERIDAN

005/014

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Phone No.: 732-530-9404

Fax No.: 732-530-9808

Please mark the record to reflect new Attorney Docket No.: **LIBE/APP28US**.

Date:

9/5/03



Mark Scadina

Vice President of Intellectual Property

Liberate Technologies

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